

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 38187-2783 10/540912 U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/US2003/040095	INTERNATIONAL FILING DATE December 15, 2003	PRIORITY DATE CLAIMED December 13, 2002
TITLE OF INVENTION METHOD AND APPARATUS FOR MEASURING ANALYTES		
APPLICANT(S) FOR DO/EO/US Dominique M. Freeman and Dirk Boecker		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (UNSIGNED).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).20. <input type="checkbox"/> Other items or information:		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JC20 Rec'd PCT/PTO 27 JUN 2005

PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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U.S. APPLICATION NO. (If known, see 37 CFR 1.53) 10/540912		INTERNATIONAL APPLICATION NO. PCT/US2003/040095		ATTORNEY'S DOCKET NUMBER 38187-2783	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100	
TOTAL OF 21, 22 and 23 =				\$ 600	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
206	- 100 = 106	/50 = 3	x \$250	\$ 750	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	24	- 20 = 4	x \$ 50	\$ 200	
Independent claims	7	- 3 = 4	x \$200	\$ 800	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 2350	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 1175	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0	
TOTAL NATIONAL FEE =				\$ 1175	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0	
TOTAL FEES ENCLOSED =				\$ 1175	
				Amount to be refunded:	\$
				Amount to be charged:	\$ 1175
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>08-1641</u> in the amount of \$ <u>1175</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-1641</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Heller Ehrman LLP					
275 Middlefield Road					
Menlo Park, CA 94025-3506					
				SIGNATURE	
				Hao Y. Tung	
				NAME	
				43,209	
				REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Freeman and Boecker)
International App. No.: PCT/US2003/040095) Group No.: To be assigned
International Filing Date: 12/15/2003) Examiner: To be assigned
For: METHOD AND APPARATUS FOR) STATEMENT
MEASURING ANALYTES)

EXPRESS MAIL NO. EL 993 634 802 US
MAILING DATE: June 27, 2005

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a request to revive the above-captioned U.S. Patent Application, which is based on PCT International Patent Application Serial No. PCT/US2003/040095. PCT Patent Application Serial No. PCT/US2003/040095 was filed on December 13, 2002, and its national stage deadline was June 13, 2005. Applicants' attorney hereby states that the delay was unintentional and transmits herewith the proper filing documents for a submission under 35 U.S.C. 371 and the following facts in support of the petition:

Attorney Docket No.: 38187-2783
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SUBMISSION UNDER 35 USC 371 & PETITION
TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)
- PAGE 1 -

1) The present applicant Pelikan Technologies, Inc. of Palo Alto, California
("Pelikan") is the original assignee for this case.

2) Pelikan has no intention of abandoning the above-referenced application.
Accordingly, Pelikan as the present applicant requests that the present application be revived
under this petition of unintentional abandonment.

Any additional fees, including any fees necessary for extension of time, which may be
required as a result of this communication, or any credits and/or overpayments in connection
with this application should be charged to Deposit Account 08-1641 and should reference
Docket No. 38187-2783.

Respectfully submitted,

HELLER EHRMAN LLP

Date: June 27, 2005


Hao Y. Tung, Reg. No. 43,209

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10/540912

The PTO did not receive the following
listed item(s)
NO POST CARD